



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gust H. Bardy et al. Confirmation No.: 8939
Serial No.: 10/804,997 Examiner: Unknown
Filing Date: March 19, 2004 Group Art Unit: 3762
Docket No.: 1201.1108102 Customer No.: 28075
For: SUBCUTANEOUS ELECTRODE FOR TRANSTHORACIC CONDUCTION
WITH HIGHLY MANEUVERABLE INSERTION TOOL

TRANSMITTAL SHEET

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE UNDER 37 C.F.R. § 1.8: I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to:
Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450
on this 12th day of July 2004.

By

David M. Crompton

We are transmitting herewith the attached:

- [] Amendment
[] No additional claim fee required
[] The claim fee has been calculated as shown:

CLAIMS AS AMENDED							
	(3)	(4)	(5)	SMALL ENTITY		OTHER	
	REMAINING CLAIMS	HIGHEST PAID	EXTRA	RATE	ADD'L FEE	RATE	ADD'L FEE
TOTAL CLAIMS	-	=		X 9=	\$	X 18=	\$
INDEPENDENT CLAIMS	-	=		X 43=	\$	X 86 =	\$
() FIRST MULTIPLE DEPENDENT CLAIM				+ 145 =	\$	+ 290 =	\$
TOTAL				\$		\$	

[] A check in the amount of \$_____ is enclosed. Itemization:

Fee Code _____ \$

Fee Code _____ \$

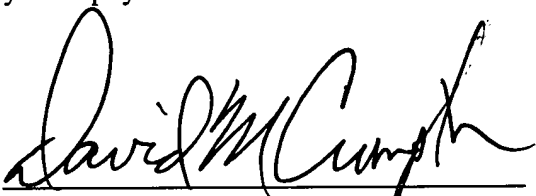
Fee Code _____ \$

[XX] Small entity status of this application under 37 C.F.R. §§ 1.9 and 1.27 has been established.

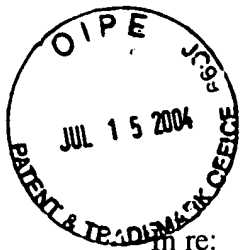
[XX] Other: INFORMATION DISCLOSURE STATEMENT, FORM PTO-1449 AND 48 CITED NON-U.S. PATENT/PUBLICATION REFERENCES.

[XX] Return Receipt Postcard (MPEP 503).

[XXXX] Please charge any deficiencies or credit any overpayment in the enclosed fees to Deposit Account No. 50-0413.

By: 
David M. Crompton, Reg. No. 36,772

David M. Crompton
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349



P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Gust H. Bardy et al.

Confirmation No.: 8939

Serial No.: 10/804,997

Examiner: Unknown

Filing Date: March 19, 2004

Group Art Unit: 3762

Docket No.: 1201.1108102

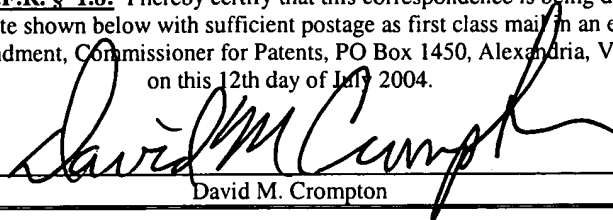
Customer No.: 28075

For: SUBCUTANEOUS ELECTRODE FOR TRANSTHORACIC CONDUCTION
WITH HIGHLY MANEUVERABLE INSERTION TOOL

INFORMATION DISCLOSURE STATEMENT

CERTIFICATE UNDER 37 C.F.R. § 1.8: I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to:
Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450
on this 12th day of July 2004.

By


David M. Crompton

Dear Sir:

Pursuant to the obligations of candor and good faith imposed by 37 C.F.R. § 1.56, the documents listed on the attached PTO-1449 are hereby disclosed.

No representation is intended to be made hereby that any of the cited references establishes, by itself or in combination with other information, a prima facie case of unpatentability of any claim of the present case.

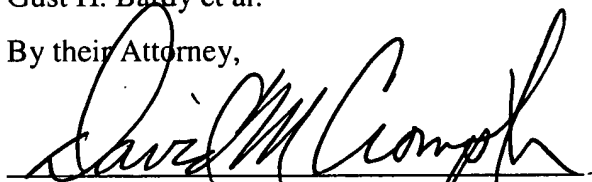
Respectfully submitted,

Gust H. Bardy et al.

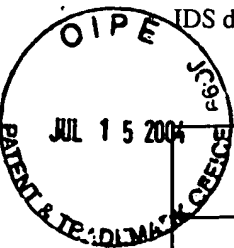
By their Attorney,

Date: _____

7/9/04



David M. Crompton, Reg. No. 36772
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349



FORM PTO-1449		Atty. Docket No.: 1201.1108102	Serial No.: 10/804,997
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT		Applicant: Gust H. Bardy et al.	
		Customer No.: 8939	
		Filing Date: March 19, 2004	Group Art: 3762

U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Filing Date If Appropriate
AA	H1,905	10/03/2000	Hill	
AB	RE 30,387	08/26/1980	Denniston, III et al.	
AC	3,653,387	04/04/1972	Ceier	
AD	3,710,374	01/09/1973	Kelly	
AE	3,911,925	10/14/1975	Tillery, Jr.	
AF	4,030,509	06/21/1977	Heilman et al.	
AG	4,157,720	06/12/1979	Greatbatch	
AH	4,164,946	08/21/1979	Langer	
AI	4,184,493	01/22/1980	Langer et al.	
AJ	4,191,942	03/04/1980	Long	
AK	4,210,149	07/01/1980	Heilman et al.	
AL	4,223,678	09/23/1980	Langer et al.	
AM	4,248,237	02/03/1981	Kenny	
AN	4,254,775	03/10/1981	Langer	
AO	4,291,707	09/29/1981	Heilman et al.	
AP	4,300,567	11/17/1981	Kolenik et al.	
AQ	4,314,095	02/02/1982	Moore et al.	
AR	4,375,817	03/08/1983	Engle et al.	
AS	4,402,322	09/06/1983	Duggan	
AT	4,407,288	10/04/1983	Langer et al.	
AU	4,424,818	01/10/1984	Doring et al.	
AV	4,450,527	05/22/1984	Sramek	

EXAMINER:	DATE CONSIDERED:
-----------	------------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner Initial	Document No.	Date	Name	Filing Date If Appropriate
AW	4,548,209	10/22/1985	Weilders et al.	
AX	4,567,900	02/04/1986	Moore	
AY	4,595,009	06/17/1986	Leinders	
AZ	4,602,637	07/29/1986	Elmqvist et al.	
BA	4,603,705	08/05/1986	Speicher et al.	
BB	4,693,253	09/15/1987	Adams	
BC	4,727,877	03/01/1988	Kallok	
BD	4,750,494	06/14/1988	King	
BE	4,765,341	08/23/1988	Mower et al.	
BF	4,768,512	09/06/1988	Imran	
BG	4,800,883	01/31/1989	Winstrom	
BH	4,830,005	05/16/1989	Woskow	
BI	4,944,300	07/31/1990	Saksena	
BJ	5,003,990	04/02/1991	Osypka	
BK	5,044,374	09/03/1991	Lindemans et al.	
BL	5,050,600	09/24/1991	Parks	
BM	5,105,810	04/21/1992	Collins et al.	
BN	5,105,826	04/21/1992	Smits et al.	
BO	5,109,842	05/05/1992	Adinolfi	
BP	5,129,392	07/14/1992	Bardy et al.	
BQ	5,133,353	07/28/1992	Hauser	
BR	5,144,946	09/08/1992	Weinberg et al.	
BS	5,184,616	02/09/1993	Weiss	
BT	5,191,901	03/09/1993	Dahl et al.	
BU	5,203,348	04/20/1993	Dahl et al.	
BV	5,215,081	06/01/1993	Ostroff	
BW	5,230,337	07/27/1993	Dahl et al.	
BX	5,255,692	10/26/1993	Neubauer et al.	

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner Initial	Document No.	Date	Name	Filing Date If Appropriate
BY	5,261,400	11/16/1993	Bardy	
BZ	5,300,106	04/05/1994	Dahl et al.	
CA	5,306,261	04/26/1994	Alliger et al.	
CB	5,313,953	05/24/1994	Yomtov et al.	
CC	5,331,966	07/26/1994	Bennett et al.	
CD	5,342,407	08/30/1994	Dahl et al.	
CE	5,366,496	11/22/1994	Dahl et al.	
CF	5,376,103	12/27/1994	Anderson et al.	
CG	5,376,104	12/27/1994	Sakai et al.	
CH	5,385,574	01/31/1995	Hauser et al.	
CI	5,391,200	02/21/1995	KenKnight et al.	
CJ	5,405,363	04/11/1995	Kroll et al.	
CK	5,411,539	05/02/1995	Neisz	
CL	5,411,547	05/02/1995	Causey, III	
CM	5,413,591	05/09/1995	Knoll	
CN	5,423,326	06/13/1995	Wang et al.	
CO	5,439,485	08/08/1995	Mar et al.	
CP	5,447,521	09/05/1995	Anderson et al.	
CQ	5,476,503	12/19/1995	Yang	
CR	5,509,923	04/23/1996	Middleman et al.	
CS	5,509,928	04/23/1996	Acken	
CT	5,531,765	07/02/1996	Pless	
CU	5,531,766	07/02/1996	Kroll et al.	
CV	5,534,019	07/09/1996	Paspa	
CW	5,534,022	07/09/1996	Hoffmann et al.	
CX	5,597,956	01/28/1997	Ito et al.	
CY	5,601,607	02/11/1997	Adams	
CZ	5,603,732	02/18/1997	Dahl et al.	

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner Initial	Document No.	Date	Name	Filing Date If Appropriate
DA	5,607,455	03/04/1997	Armstrong	
DB	5,618,287	04/08/1997	Fogarty et al.	
DC	5,620,477	04/15/1997	Pless et al.	
DD	5,643,328	07/01/1997	Cooke et al.	
DE	5,645,586	07/08/1997	Meltzer	
DF	5,658,317	08/19/1997	Haefner et al.	
DG	5,658,319	08/19/1997	Kroll	
DH	5,658,321	08/19/1997	Fayram et al.	
DI	5,674,260	10/07/1997	Weinberg	
DJ	5,690,648	11/25/1997	Fogarty et al.	
DK	5,690,683	11/25/1997	Haefner et al.	
DL	5,697,953	12/16/1997	Kroll et al.	
DM	5,713,926	02/03/1998	Hauser et al.	
DN	5,766,226	06/16/1998	Pedersen	
DO	5,776,169	07/07/1998	Schroepel	
DP	5,814,090	09/29/1998	Latterell et al.	
DQ	5,827,326	10/27/1998	Kroll et al.	
DR	5,836,976	11/17/1998	Min et al.	
DS	5,843,132	12/01/1998	Ilvento	
DT	5,895,414	04/20/1999	Sanchez-Zambrano	
DU	5,904,705	05/18/1999	Kroll et al.	
DV	5,919,211	07/06/1999	Adams	
DW	5,919,222	07/06/1999	Hjelle et al.	
DX	5,925,069	07/20/1999	Graves et al.	
DY	5,935,154	08/10/1999	Westlund	
DZ	5,941,904	08/24/1999	Johnston et al.	
EA	5,957,956	09/28/1999	Kroll et al.	
EB	6,014,586	01/11/2000	Weinberg et al.	

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner Initial	Document No.	Date	Name	Filing Date If Appropriate
EC	6,026,325	02/15/2000	Weinberg et al.	
ED	6,056,722	05/02/2000	Jayaraman	
EE	6,058,328	05/02/2000	Levine et al.	
EF	6,093,173	06/25/2000	Balceta et al.	
EG	6,095,987	08/01/2000	Shmulewitz et al.	
EH	6,128,531	10/03/2000	Campbell-Smith	
EI	6,144,866	11/07/2000	Miesel et al.	
EJ	6,144,879	11/07/2000	Gray	
EK	6,148,230	11/14/2000	KenKnight	
EL	6,185,450	02/06/2001	Seguine et al.	
EM	6,266,567	07/24/2001	Ishikawa et al.	
EN	6,278,894	08/21/2001	Salo et al.	
EO	6,280,462	08/28/2001	Hauser et al.	
EP	6,334,071	12/25/2001	Lu	
EQ	6,345,198	02/05/2002	Mouchawar et al.	
ER	6,411,844	06/25/2002	Kroll et al.	
ES	6,647,292	11/11/2003	Bardy et al.	
ET	6,721,597	04/13/2004	Bardy et al.	
EU	2001/0027330 A1	10/04/2001	Sullivan et al.	
EV	2002/0035376 A1	03/21/2002	Bardy et al.	
EW	2002/0035377 A1	03/21/2002	Bardy et al.	
EX	2002/0035379 A1	03/21/2002	Bardy et al.	
EY	2002/0035380 A1	03/21/2002	Rissmann et al.	
EZ	2002/0035381 A1	03/21/2002	Bardy et al.	
FA	2002/0042629 A1	04/11/2002	Bardy et al.	
FB	2002/0042630 A1	04/11/2002	Bardy et al.	
FC	2002/0042634 A1	04/11/2002	Bardy et al.	
FD	2002/0049475 A1	04/25/2002	Bardy et al.	

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner Initial	Document No.	Date	Name	Filing Date If Appropriate
FE	2002/0049476 A1	04/25/2002	Bardy et al.	
FF	2002/0052636 A1	05/02/2002	Bardy et al.	
FG	2002/0068958 A1	06/06/2002	Bardy et al.	
FH	2002/0072773 A1	06/13/2002	Bardy et al.	

FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Translation Yes No
FI	DE 298 01 807 U1	07/16/1998	Germany	Yes
FJ	EP 0 095 727 A1	12/07/1983	Europe	
FK	EP 0 316 616 A2,3	05/24/1989	Europe	Yes
FL	EP 0 347 353 A1	12/20/1989	Europe	Yes
FM	EP 0 517 494 A3	12/09/1992	Europe	
FN	EP 0 517 494 B1	12/09/1992	Europe	
FO	EP 0 518 599 A2	12/16/1992	Europe	
FP	EP 0 518 599 B1	12/16/1992	Europe	
FQ	EP 0 536 873 B1	04/14/1993	Europe	
FR	EP 0 586 858 B1	03/16/1994	Europe	
FS	EP 0 627 237 A1	12/07/1994	Europe	
FT	EP 0 641 573 A2	03/08/1995	Europe	
FU	EP 0 641 573 A3	03/08/1995	Europe	
FV	EP 0 677 301 A1	10/18/1995	Europe	
FW	EP 0 917 887 A1	05/26/1999	Europe	
FX	EP 0 923 130 A1	06/16/1999	Europe	Yes
FY	EP 1 000 634 A1	05/17/2000	WIPO	Yes
FZ	WO 93/19809 A1	10/14/1993	WIPO	
GA	WO 97/29802 A2	08/21/1997	WIPO	
GB	WO 98/25349 A1	06/11/1998	WIPO	
GC	WO 99/03534 A1	01/28/1999	WIPO	

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

		Document No.	Date	Country	Translation Yes No
GD		WO 99/37362 A1	07/29/1999	WIPO	
GE		WO 99/53991 A1	10/28/1999	WIPO	
GF		WO 00/41766 A1	07/20/2000	WIPO	
GG		WO 00/50120 A1	08/31/2000	WIPO	
GH		WO 01/43649 A1	06/21/2001	WIPO	
GI		WO 01/56166 A2	08/02/2001	WIPO	
GJ		WO 02/22208 A2	03/21/2002	WIPO	
GK		WO 02/22208 A3	03/21/2002	WIPO	
GL		WO 02/24275 A2	03/28/2002	WIPO	
GM		WO 02/24275 A3	03/28/2002	WIPO	
GN		WO 02/068046 A1	09/06/2002	WIPO	
GO		WO 03/018121 A2	03/06/2003	WIPO	

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

GP		Bardy, Gust H. et al., "Multicenter Experience with a Pectoral Unipolar Implantable Cardioverter-Defibrillator," <u>JACC</u> , August 1996, Vol. 28, No. 2, pp. 400-410.
GQ		Friedman, Richard A. et al., "Implantable Defibrillators In Children: From Whence to Shock," <u>Journal of Cardiovascular Electrophysiology</u> , Vol. 12, No. 3, March 2001, pp. 361-362.
GR		Gradaus, Rainer et al., "Nonthoracotomy Implantable Cardioverter Defibrillator Placement in Children: Use of Subcutaneous Array Leads and Abdominally Placed Implantable Cardioverter Defibrillators in Children," <u>Journal of Cardiovascular Electrophysiology</u> , Volume 12, No. 3, March 2001, pp. 356-360.
GS		Higgins, Steven L. et al., "The First Year Experience with the Dual Chamber ICD," <u>PACE</u> , January 2000, vol. 23, pp. 18-25.
GT		Mirowski, M. et al., "Automatic Detection and Defibrillation of Lethal Arrhythmias-A New Concept," <u>JAMA</u> , Vol. 213, No. 4, July 27, 1970, pp. 615-616.
GU		Olson, Walter H. et al., "Onset and Stability for Ventricular Tachyarrhythmia Detection in an Implantable Pacer-Cardioverter-Defibrillator," <u>IEEE</u> , (1987) pp. 167-170.
GV		Schuder, John C., "Completely Implanted Defibrillator," <u>JAMA</u> , Vol. 214, No. 6, November. 9, 1970. p. 1123 (single sheet).
GW		Schuder, John C., "The Role of an Engineering Oriented Medical Research Group in Developing Improved Methods and Devices for Achieving Ventricular Defibrillation: The University of Missouri Experience," <u>PACE</u> , Vol. 16, January 1993, pp. 95-124.
GX		Schuder, John C. et al., "Experimental Ventricular Defibrillation with an Automatic and Completely Implanted System," <u>Trans. Amer. Soc. Artif. Int. Organs</u> , Vol. XVI (1970) pp. 207-212.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXAMINER:	DATE CONSIDERED:
-----------	------------------

Page 8 of 8